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EXAMINER	
ONUAKU, CHRISTOPHER O	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,009	NAKAHARA ET AL.	
	Examiner	Art Unit	
	Christopher Onuaku	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-11,13,15-25 and 27-46* is/are rejected.

7)☒ Claim(s) *8,12,14 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, the amendments to claims 1-6 fail to overcome the 35 U.S.C 101 problems of claims 1-6 and the newly added claims 29&30.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6,29&30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-6 claim an information recording medium which is readable by an information reproducing apparatus, having different kinds of recording information to be reproduced sequentially that are recorded together with reproduction procedure information indicating reproducing procedures to reproduce each of the recording information respectively with the information reproducing apparatus. Mere video data that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition [MPEP 2136 IV B 1 (b) from 2100-13 to 2100-14].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 7,9-11,13,15-25,27,28&31-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshio et al (US 6,215,952) in view of Ando et al (US 6,356,706).

Regarding claim 7, Yoshio et al disclose see mastering device 78 of Fig.11 which records the disk record signal Sm to a stamper disk, for the production of an optical disk; col.20, lines 21-26) of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk), including recording apparatus for recording/reproducing information onto and from the information record medium, comprising:

a) a selecting device for selecting the reproducing procedure information to be employed for generating the integrated reproducing procedure information (see Fig.12, input unit or remote controller 98 and the system controller 100, for example; col.22, lines 38-48; col.24, lines 5-15, and Fig.13-16; col.24, line 40 to col.27, line 33), here by using the input unit 98, the audience can input/specify an operation reproduction command corresponding to the predetermined special operation such as the search, the scan, the slow, the reverse, the pause, etc of the reproducing apparatus in case that al least one of the first and second operation flags reproduced from the DVD 1 indicates the prohibition of the pertinent special operation;

b) a generating device for generating the integrated reproducing procedure information by employing the selected reproducing procedure information (see system controller 100; col.24, lines 5-22 and Fig.13-16; col.24, line 40 to col.27, line 33, and also see the discussions above), and

c) a recording device for recording the generated integrated reproducing procedure information in the recording medium (see Fig.11&12 and DVD 1; col.20, lines 21-30 and col.21, lines 37-50).

Yoshio et al fail to disclose an information recording apparatus for recording integrated reproducing procedure information indicating a reproducing procedure to sequentially reproduce two or more recording information in an information recording medium in which different kinds of the recording information to be reproduced sequentially are recorded together with reproducing procedure information indicating reproducing procedures to reproduce each of the recording information respectively.

Ando et al disclose an information recording method of recording video information on an information storage medium and an information reproducing method of reproducing the video information from the information storage medium, including a case where the video information recorded on the information storage medium is the digital video information compressed according to the MPEG standards, wherein the playback sequence is determined in a single program chain PGC so that all the video information in a video file may be reproduced continuously (see Fig.10A&10B). As shown in Fig.10A, on an information storage medium, video objects VOBs are arranged from the inner circumference side of the disk in this order:

VOB_IDN #1->VOB_IDN #3 -> VOB_IDN #2.

According to this arrangement, cells are arranged from the inner circumference side of the disk in this order:

Cell A -> cell B -> cell C -> cell F -> cell G -> cell D -> cell E.

In contrast, a program chain PGC indicating the sequence in which all the cells shown in Fig.10B are reproduced consecutively reproduces cells in this order:

Cell A -> cell B -> cell C -> cell D -> cell E -> cell F -> cell G (see col.12, line 54 to col.13, line 1), here the video information includes audio and video signals.

Using the integrated reproducing information that indicates a reproducing procedure to sequentially reproduce different kinds of recording information provides the desirable advantage of, for example, sequentially reproducing the various types of recording information in a predetermined order.

It would have been obvious to modify Yoshio by realizing Yoshio with the means to use the integrated reproducing information that indicates a reproducing procedure to sequentially reproduce different kinds of recording information, as taught by Ando, since using the integrated reproducing information that indicates a reproducing procedure to sequentially reproduce different kinds of recording information provides the desirable advantage of, for example, sequentially reproducing the various types of recording information in a predetermined order.

Regarding claim 9, Yoshio et al disclose wherein each of the recording information is any one of video information, audio information and data information (see col.10, line 64 to col.11, line 23).

Regarding claim 10, Yoshio et al disclose wherein the information recording medium is a DVD (see Fig.12, DVD 1; col.21, lines 37-50).

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 7 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 7 above, including computer means (see col.1, line 59 to col.2, line 17, and col.24, lines 43-58), and recording medium (see Fig.12, and DVD 1; col.21, lines 37-50).

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 7 above, including the reproducing device (see Fig.12).

Regarding claim 16, Ando et al teach wherein the integrated reproducing procedure information includes at least indicative information indicating the reproducing procedure information that correspond to the different kinds of recording information to be sequentially reproduced (see claim 7 rejections and col.12, line 54 to col.13, line 1).

Regarding claim 17, Yoshio discloses wherein each of the reproducing procedure information is reproducing procedure information to reproduce each of the recording information in accordance with a procedure that differs from a recording procedure when each of the recording information is recorded in the information recording medium (see audio information

and video information that can be reproduced on special operation such as the search, the scan, the slow, the reverse, etc.,; Fig.1; col.10, line 64 to col.11, line 23; and col.col.24, lines 43-57), here the process of recording video information is different from the process of reproducing video information in a reverse order, for example.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 17 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 9 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 10 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 15 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 16 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claims 13,15&16 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 16 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claim 7 above, including the claimed computer data signal (see Ando et al col.8, lines 1-10).

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 23 above, including the claimed computer data signal (see Ando et al col.8, lines 1-10).

Regarding claim 28, the claimed limitations of claim 28 are accommodated in the discussions of claim 16 above.

Regarding claim 31, Ando et al further teach wherein different kinds of the recording information comprise information recorded in different kinds of formats (see Fig.11, formatter 56; col.13, line 45 to col.14, line 3).

Regarding claim 32, Ando et al further teach wherein the different kinds of the recording information comprise at least video information including image information and audio information associated therewith, and audio information (see col.13, line 45 to col.14, line 3).

Regarding claim 33, the claimed limitations of claim 33 are accommodated in the discussions of claim 31 above.

Regarding claim 34, the claimed limitations of claim 34 are accommodated in the discussions of claim 32 above.

Regarding claim 35, the claimed limitations of claim 35 are accommodated in the discussions of claim 31 above.

Regarding claim 36, the claimed limitations of claim 36 are accommodated in the discussions of claim 32 above.

Regarding claim 37, the claimed limitations of claim 37 are accommodated in the discussions of claim 31 above.

Regarding claim 38, the claimed limitations of claim 38 are accommodated in the discussions of claim 32 above.

Regarding claim 39, the claimed limitations of claim 39 are accommodated in the discussions of claim 31 above.

Regarding claim 40, the claimed limitations of claim 40 are accommodated in the discussions of claim 32 above.

Regarding claim 41, the claimed limitations of claim 41 are accommodated in the discussions of claim 31 above.

Regarding claim 42, the claimed limitations of claim 42 are accommodated in the discussions of claim 32 above.

Regarding claim 43, the claimed limitations of claim 43 are accommodated in the discussions of claims 31&25 above.

Regarding claim 44, the claimed limitations of claim 44 are accommodated in the discussions of claims 32&25 above.

Regarding claim 45, the claimed limitations of claim 45 are accommodated in the discussions of claims 31&27 above.

Regarding claim 46, the claimed limitations of claim 46 are accommodated in the discussions of claims 32&27 above.

Allowable Subject Matter

5. Claims 8,12,14&26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording apparatus, where the recording apparatus further comprises a procedure information generating device for newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, wherein the generating device generates the

integrated generating procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Regarding claim 12, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording method, where the recording method further comprises the process of newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, wherein the process of generating the integrated reproducing procedure information generates the integrated reproducing procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Regarding claim 14, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording medium, where the recording medium comprises wherein the information control program is readably recorded by the computer, the information recording control program causing the computer to further function as a procedure information generating device for newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, and the information recording control program causing the computer to function as the generating device for generating the integrated generating procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Regarding claim 26, the invention relates to a technical field of an information recording medium in which different kinds of plural items of recording information such as audio information and video information are recorded, an information recording/reproducing apparatus/method for recording/reproducing information onto and from the information recording medium, and a computer data signal embodied in a carrier wave, which enables a computer to perform such a recording/reproducing process.

The closest reference Yoshio et al disclose an information record medium such as an optical disk of a high recording density type, which is capable of recording information such as video information, audio information and the like at a high density, and which is represented by a DVD (Digital Versatile or Video Disk) , including recording apparatus for recording/reproducing information onto and from the information record medium.

However, Yoshio et al fail to explicitly disclose the information recording apparatus, where the computer data signal recording medium wherein the series of instructions which cause a computer to further perform steps to execute a recording process in an information recording apparatus comprising a procedure information generating step for newly generating required reproducing procedure information when the reproducing procedure information to be employed for generating the integrated reproducing procedure information does not exist in the information recording medium, wherein the generating step generates the integrated generating procedure information by employing the selected generating procedure information and the newly generated reproducing procedure information.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

NOTE: Effective July 15, 2005, the Central Fax Number will change to 571-273-8300. Faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COO

9/29/05

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